

CIVIL MINUTES
UNITED STATES DISTRICT COURT OF ARIZONA – PHOENIX

United States District Judge David G. Campbell

Date: May 4, 2018

IN RE: Bard IVC Filters Products Liability
Litigation

Case Number: MD-15-02641-PHX-DGC

**Mark O'Connor, Ramon Lopez,
Shannon Clark, Paul Stoller and
Lincoln Combs- for plaintiff Doris
Jones**

**James Rogers, Richard North,
Matthew Lerner, James Condo,
Elizabeth Helm, Amanda Sheridan
and Brandee Kowalzyk – for
defendant**

**Court Reporter – Patricia Lyons
Courtroom Deputy – Traci
Abraham**

APPEARANCES:

PROCEEDINGS ☒ **Open Court re: Jones Trial :**

Final pretrial conference held.

Juror questionnaires discussed. Court order #10844 excusals for hardship. Parties have no objections. Additional jurors excused for hardship: Juror 6,41,94, 141,177. No objections.

Plaintiff challenges for cause: 3,25,66,67,91,105,116. Court grants challenges as to juror 3,25,91,116. Plaintiff withdraws 105.

Defendant challenges for cause: 48,100,123,132,150,168. Court grants challenges as to juror 100,123,150, 168. Juror 48 will be called in for voir dire and additional questions will be asked outside the presence of the other jurors.

Amount of jurors to call in for participation in voir dire discussed. Court will call in 60 jurors for voir dire. Parties to submit a joint witness list by 5/11/2018. Plaintiff request additional voir dire questions related to punitive damages. Defendant objects. Court will not ask additional questions. Court will ask the same questions as in the Booker Trial. Allotted time for trial discussed per order 10587. Court will hold parties to allotted time. Parties to reserve 1 hour for the punitive damages phase. Plaintiff objections to the proposed preliminary jury instructions discussed. Court will modify as discussed on the record. Parties to resubmit proposed final jury instructions by 5/8/2018 as discussed on the record.

Final pretrial order discussed. Stipulations will be read before opening statements. Contested statement of facts failure to mitigate damages discussed. Preclusion of award of punitive damages

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discussed. Regulatory enforcement discussed. Dr. Kandarpa objection to testifying at trial discussed. Objection to use of Medhi Syed deposition discussed. Motion to seal exhibits due 21 days after the last trial transcript in Jones case. Business record objections discussed. Court order 10382 as to withdrawn experts stands. Plaintiff to notify defendant by close of business 5/8/2018 of the corporate witnesses they intend to call. Witness Abithal Raji-Kubba discussed. Court will not enforce witness to come for trial.

Court adopts the final pretrial order. Rule invoked with exception of experts.

Court order doc. 10920 on the motion for reconsideration discussed and argued as set forth in the order. Matter taken under advisement.

Court order to follow.